

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Cecil Kost et al. Attorney Docket No.: MMSH21562  
Application No.: 10/674,904 Art Unit: 3622 / Confirmation No: 8999  
Filed: September 30, 2003 Examiner: Daniel Lastra  
Title: DRUG SAMPLE FULFILLMENT ARCHITECTURE

DECLARATION

Seattle, Washington 98101

January 14, 2007

TO THE COMMISSIONER FOR PATENTS:

I, Scott M. King, declare and state:

1. On October 19, 2006, the United States Patent And Trademark Office ("the Office") cited a reference "RxCentric and MedManage Systems Partner to Expand Physician Use of Innovative Online Drug Sampling--Alliance Gives Pharmaceutical Companies Broader Physician Access to Drug Detailing and Sampling Programs" (hereinafter "Reference 610"); a reference "MedManage Tracks Troublesome Pill Samples" (hereinafter "Reference 635"); a reference "For Consumers Free Samples Are A Virtual Reality: Pharmaceutical Samples Were Once Stricly Passed From Manufacturing To Physician To Patient, But Online Marketing Tactics Are Rearranging That Order" (hereinafter "Reference 9:026"); a reference "Samples of The Future" (hereinafter "Reference 9:025"); a reference "MedManage Systems, Inc. Names Cecil Kost President and CEO" (hereinafter "Reference 613"); and a reference "MedManage Systems Enhances Online Drug Sample Voucher System For Physicians" (hereinafter "Reference 16").

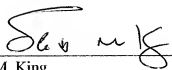
2. The above references cited by the Office disclose goods or services connected with the registered trademarks EMEDSAMPLE and MEDSAMPLE. These trademarks have been used to label different goods or services over the years. The Office assumes that the goods or services covered by the claimed invention of U.S. Patent Application No. 10/674,904 are identical to the

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

goods or services labeled by the trademarks EMEDSAMPLE and MEDSAMPLE occurred during a period that is more than one year prior to the date of the application for patent (May 22, 2003). That assumption is incorrect.

3. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Executed at Bothell (city), WA (state), this 12<sup>th</sup> day of JANUARY, 2007.

  
\_\_\_\_\_  
Scott M. King

DPC:DPC

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>®</sup>LLC  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100